

Message

From: Dunn, Alexandra [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=426D0177EAAB4001A5C85F051565997E-DUNN, ALEXA]
Sent: 11/19/2019 1:05:58 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]
CC: Tyler, Tom [Tyler.Tom@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Stillman, Sarah [Stillman.Sarah@epa.gov]
Subject: RE: Heads Up: 24(c)

Thanks Rick; I'll print this and have it for the meeting. Adding Sarah who has been helping on this.

Alexandra Dapolito Dunn, Esq.
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From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, November 19, 2019 7:18 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Tyler, Tom <Tyler.Tom@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>
Subject: RE: Heads Up: 24(c)

See responses below in **red**. We would like to spend some more time on this during this afternoon's OPP General.

From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Monday, November 11, 2019 2:23 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Tyler, Tom <Tyler.Tom@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>
Subject: RE: Heads Up: 24(c)

INTERNAL DELIBERATIVE

As for data:

How many correct (for SLN) 24(c)s in recent years by year versus how many incorrect (narrowing type) 24(c)s over same time.

The table below shows information for the number of new 24(c) notifications received over the past five years.

- The average number of SLNs submitted over the past 5 years is approximately 150 per year.
- We assumed that the SLNs for dicamba products and the SLNs issued by New York were more restrictive than the Section 3 labels. New York is the only state that has consistently submitted SLNs that have been more restrictive. (Note: We would need to look at every individual SLN to confirm that the New York SLNs are more restrictive and to see if there are any others that are more restrictive.)
- Our "back of the envelope" estimate is that 10-15% of the SLNs (given the above assumptions) but note the recent increase in the number of more restrictive SLNs given the actions taken by states regarding dicamba over-the-top uses.

- The trend shown in the table may be more instructive than focusing only on averages.

SLNs (24(c)s)	2019		2018		2017		2016		2015	
	%	No.	%	No.	%	No.	%	No.	%	No.
Total		158		149		201		81		159
NY	5%	8	5%	8	3%	7	4%	3	2%	3
Dicamba	20%	31	11%	16	8%	16	0%	0	0%	0
Total more restrictive	25%	39	16%	24	11%	23	4%	3	2%	3

What is the chronology of how this arose – ie, did we raise it on our own, did the state raise it, did the registrants raise it, how long has this issue been percolating? Let's discuss during the OPP General.

What do we recommend putting on the website re the 2020 growing season given that it is unlikely we will have a document ready to go before SFIREG? Let's discuss during the OPP General.

What will we do with a 24(c) that is to narrow the federal label? Will we deny one? Will we counsel states about the differences?

Ex. 5 Deliberative Process (DP)

To that end, how many states have used 24(a) correctly and passed legislation, for what? Do they do it chemical specific or is it to give the Sec. of Ag. In the state some sort of broad authority to do what he/she needs to do?

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Keigwin, Richard <Keigwin.Richard@epa.gov>

Sent: Friday, November 8, 2019 11:29 AM

To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>

Cc: Tyler, Tom <Tyler.Tom@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>

Subject: RE: Heads Up: 24(c)

OK. Let us know what data we need to gather. I know you will be out part of next week, but if you'd like to give me a call, I'd be happy to chat.

From: Dunn, Alexandra <dunn.alexandra@epa.gov>

Sent: Thursday, November 07, 2019 12:43 PM

To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>

Cc: Tyler, Tom <Tyler.Tom@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>

Subject: Re: Heads Up: 24(c)

We need to talk about next steps we need some more data this is not going to move quickly. We do need to make a statement about 2020.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Nov 7, 2019, at 9:30 AM, Keigwin, Richard <Keigwin.Richard@epa.gov> wrote:

Internal and Deliberative
Not for Public Release

I'm hearing that OGC may have some additional comments on the 24(c) notice, based upon a discussion that PTSLO had with the OGC Front Office in preparation for this morning's discussion with the Administrator. Essentially, as I understand it, they may want to tighten up some of the language so that the reader doesn't think that the current approach to 24(c)'s is a likely/possible outcome in the future. I'm told this may come up during your meeting this morning with the Administrator.

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